

**ORDINANCE NO. 20050818-064**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE NORTH HYDE PARK NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT FOR THE PROPERTY WHOSE BOUNDARIES ARE 51<sup>ST</sup> STREET TO THE NORTH, 45<sup>TH</sup> STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND RED RIVER STREET TO THE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD-NP.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to establish the North Hyde Park neighborhood conservation-neighborhood plan (NCCD-NP) combining district and to add a NCCD-NP to each base zoning district within the property and to change the base zoning districts on 11 tracts of land on the property described in Zoning Case No. C14-04-0196, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 253 acres of land, more or less, in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance, Save and Except the following property (the "Property"),

609 Fairfield Lane (out of Tract 11), and

4505 Duval Street,

generally known as the North Hyde Park conservation-neighborhood plan combining district, locally known as the area bounded by 51<sup>st</sup> Street to the north, 45<sup>th</sup> Street to the south, Guadalupe Street to the west, and Red River Street to the east, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The base zoning of the 11 tracts shown in the chart below are changed from family residence (SF-3) district, family residence-historic (SF-3-H) combining district, urban family residence (SF-5) district, limited office (LO) district, community commercial-conditional overlay (GR-CO) combining district, and general commercial services (CS)

district, to single family residence standard lot-neighborhood conservation-neighborhood plan (SF-2-NCCD-NP) combining district, single family residence standard lot-historic-neighborhood conservation-neighborhood plan (SF-2-H-NCCD-NP) combining district, family residence neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district, multifamily residence moderate high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district, neighborhood office-neighborhood conservation-neighborhood plan (NO-NCCD-NP) combining district, limited office-neighborhood conservation-neighborhood plan (LO-NCCD-NP) combining district, and community commercial-neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district.

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
1	4812 Rowena	SF-5	SF-3-NCCD-NP
2	4510 Duval	CS	LO-NCCD-NP
4	4500 Avenue B	LO	NO-NCCD-NP
5	4502 Avenue A	GR-CO	MF-4-NCCD-NP
6	4539-4553 Guadalupe	CS	GR-NCCD-NP
7	600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620 Fairfield Ln.  4807, 4809 Eilers Av.  4800, 4802, 4804, 4806 Evans Av.  4801, 4803, 4805, 4807, 4809, Duval St.	SF-3	SF-2-NCCD-NP
8	604 E. 47 <sup>th</sup> St.	SF-3-H	SF-2-H-NCCD-NP
9	4700, 4702 Eilers Av  601, 603, 605, 607, 609, 611, 613, 615, E. 48 <sup>th</sup> St  4701, 4703, 4705 Evans  600, 602 E. 47 <sup>th</sup> St.	SF-3	SF-2-NCCD-NP
10	4700, 4702, 4704, 4706, 4708, 4710,	SF-3	SF-2-NCCD-NP

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
	4712, 4714 Evans Av 4701, 4703, 4705, 4707, 4709, 4711, 4713, 4715 Duval St		
11	4801, 4803, 4805 Evans Av  603, 605, 607, 611, Fairfield Ln  4802, 4804 Eilers Av  602, 604, 606, 608, 610, 612 E. 48 <sup>th</sup> St	SF-3	SF-2-NCCD-NP
12	4701, 4703, 4705, 4707, 4709, 4801, 4803, 4805 Eilers Av	SF-3	SF-2-NCCD-NP

**PART 3. Definitions.** In this ordinance:

**ACCESSORY BUILDING** means a building in which an accessory use is located that is detached from and located on the same site as a building in which a principal use is located.

**AVENUE** means a street running in a north-south direction and designated as an avenue.

**CIRCULAR DRIVEWAY** means a cul-de-sac type driveway with one access point or a half-circular driveway with two access points.

**COMMERCIAL DISTRICT MEANS** the districts within the hierarchy of zoning districts from neighborhood office (NO) district through commercial-liquor sales (CS-1) district.

**DISTRICT** means the Residential District, Avenue A District, Guadalupe District, and Duval District.

**DRIVEWAY RUNNERS** means a pair of pavement strips acting as a driveway.

**EXCESS PARKING** means parking spaces that exceed the parking required by Title 25 of the Code and the regulations in this ordinance.

**FRONT OF BUILDING** means the side of a building that includes the main entrance to the building including any offset.

**FULL BATHROOM** means a bathroom with a toilet, sink, and a bathtub or shower or shower/bathtub combination.

**HALF-STORY** means livable space that is contained between the eave and ridge of a dwelling.

**HABITABLE SPACE** has the meaning used in the Building Code.

**MANEUVERING** means managing a vehicle into or out of a driveway or parking space from a public right-of-way.

**PEDESTRIAN-ORIENTED USES** means those uses identified in Subsection (C) of Section 25-2-691 (*Waterfront Overlay District Uses*).

**REDEVELOPMENT** means development in which the value of the improvements is 50 percent of the value of all existing improvements on the site or development that requires a site plan.

**TANDEM PARKING** means one car behind another so that one car must be moved before the other can be accessed.

**PART 4.** The North Hyde Park NCCD-NP is divided into the following districts which are more particularly identified on the map attached as Exhibit "C".

1. The Residential District - includes all property not included in another district.
2. The Avenue A District - generally located one-half block east and one-half block west of Avenue A from 45<sup>th</sup> Street to the Intramural Fields.
3. The Duval Commercial District - located at 4500, 4510, 5011 and 5012 Duval Street.
4. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 45<sup>th</sup> Street to the Intramural Fields.

## **PART 5. Permitted and Conditional Uses.**

### **1. Residential Base Districts.**

- a. Except as provided in this section, the permitted and conditional uses for the residential base zoning districts apply in accordance with the Code.
- b. A group residential use is prohibited in the North Hyde Park NCCD-NP.

### **2. Commercial Base District.**

- a. Except as otherwise provided in this ordinance, the following table establishes the permitted and conditional uses for property in commercial zoning districts in the North Hyde Park NCCD-NP.
- b. Column A applies to property with commercial zoning in the Residential District.
- c. Column B applies to property in the Duval District.
- d. Columns C & D apply to property that has commercial zoning in the Avenue A District.

<b>COLUMN</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>Residential District</b>	<b>Duval Commercial District</b>	<b>Avenue A District</b>	<b>Avenue A District</b>
<b>USES</b>	<b>NO</b>	<b>CS/GR</b>	<b>GR</b>	<b>GO</b>
Administrative and business offices	P	P	P	P
Art Gallery	--	P	P	P
Art Workshop	--	P	P	-
Commercial off-street parking	--	--	C	-
Condominium Residential	--	P	--	-
Congregate living	C	--	C	C
Consumer convenience services	--	P	P	-
Consumer repair services	--	P	P	-
Cultural services	--	P	P	P
Custom manufacturing	--	C	--	--

COLUMN  USES	A  Residential District  NO	B Duval Commercial District  CS/GR	C  Avenue A District  GR	D  Avenue A District  GO
Club or lodge	--	--	--	--
Day care services (limited)	P	P	P	P
Day care services (general)	P	P	P	P
Day care services (commercial)	--	C	P	C
Duplex residential	P	P	P	P
Family home	P	P	P	P
Financial services	--	P	P	P
Food Preparation	--	P	--	--
Food sales	--	P	P	-
General retail sales (convenience)	--	P	--	--
General retail sales (general)	--	P	P	-
Group home class I (limited)	P	P	P	P
Group home class I (general)	P	P	P	P
Group home class II	C	C	P	P
Guidance services	--	P	P	P
Hospital (limited) not to exceed 2500 s.f.	--	P	P	-
Indoor entertainment	--	C	--	--
Laundry services	--	C	--	--
Local utility services	--	P	P	P
Medical offices (not over 2500 s.f.)	--	P	P	P
Medical offices (over 5000 s.f.)	--	--	P	P
Multifamily residential	--	P	P	-
Off-site accessory parking	--	--	C	--
Personal improvement services	--	P	P	-
Personal Services	--	P	P	P
Private primary educational facilities	P	P	P	P
Private secondary educational facilities	P	P	P	P
Professional office	P	P	P	P
Public primary educational facilities	P	P	P	-
Public secondary educational facilities	P	P	P	-
Religious assembly	P	P	P	P
Restaurant (limited)	--	P	P	-
Restaurant (general)	--	P	P	-
Single-family residential	P	P	P	-

COLUMN	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
USES	NO	CS/GR	GR	GO
Software development	C	P	P	P
Theater	--	P	C	-
Two-family residential	P	P	P	-
Veterinary services (not to exceed 2500 s.f.)	--	P	P	-

3. This section applies to the uses established in Section 2 of this part.
- The maximum size of a day care services (commercial) use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C and Column D is 5000 square feet.
  - A financial service use or food sales use permitted under Column B or Column D may not include a drive-in service.
  - The maximum size of a private primary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.
  - The maximum size of a private secondary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.
  - The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column B or Column C is 2500 square feet.
  - The maximum size of a theater use permitted under Column B or Column C is 5000 square feet.
  - The maximum size of a cultural services use permitted under Column D is 5000 square feet.

h. The following applies to a use in Column B.

- (i) A residential use in Column B is permitted only above the ground floor for 4500 and 5011 Duval Street.
- (ii) A commercial use in Column B is required to be located on the ground floor of 4500 and 5011 Duval Street.
- (iii) A commercial use in Column B is permitted only on the ground floor of 5012 Duval Street.

i. A food preparation use in Column B:

- (i) must be located on the same site as a food sales use or a restaurant use; and
- (ii) may not exceed 5000 square feet of building coverage, and not more than the total square feet of a food sales use or a restaurant use.

j. The following applies to 4510 Duval Street

- (i) The property may be developed only with the uses permitted in a limited office (LO) district and a multifamily residence medium density (MF-3) district; and
- (ii) A limited office (LO) use may not exceed 2500 square feet of a residential use on the ground floor; and
- (iii) A commercial use is prohibited above the ground floor.

k. The following applies to 4500 Duval Street.

- (i) The following additional uses are permitted for 4500 Duval Street and are limited to the lot size that existed on April 1, 2005.

Automotive rentals  
Automotive sales

Automotive repair services  
Service station

- (ii) The following are additional conditional uses for the property:

Commercial off-street parking	Off-site accessory parking
Plant nursery	

- (iii) The following uses are additional permitted uses for the property:

Bed and breakfast residential (Group 1)  
Bed and breakfast residential (Group 2)  
Hotel-motel

- (iv) Automotive washing (of any type) use is allowed only in conjunction with another permitted use, and is limited to 20 percent of the gross site area.

- (v) A printing and publishing use may not generate traffic that exceeds 300 trips per day.

1. The following applies to property located in the Guadalupe District.

- (i) Permitted uses.

Administrative and business offices	Art gallery
Art workshop	Business or trade school
Business support services	Communication service facilities
Community recreation (public)	Community recreation (private)
Congregate living	Consumer convenience services
Consumer repair services	Cultural services
Day care services (commercial)	Day care services (general)
Day care services (limited)	Duplex residential
Family home	Financial services
Food sales	General retail sales (convenience)
General retail sales (general)	Group home class I (general)
Group home class I (limited)	Group home class II
Hospital services (limited)	Indoor entertainment
Indoor sports and recreation	Local utility services
Medical offices	Multifamily residential
Personal improvement services	Personal services
Private primary educational facilities	Private secondary educational facilities
Public primary educational facilities	Public secondary educational facilities
Professional office	Religious assembly

Research services  
Restaurant (limited)  
Safety services  
Software development  
Single-family residential  
Two-family residential

Residential treatment  
Restaurant (general)  
Plant nursery  
Theater  
Printing and publishing

- (ii) A theater use may not exceed a building coverage of 5000 square feet.
- (iii) A residential use may not be located in the front 70 percent of the ground floor of a building located on the west one-half of 4501 Guadalupe Street.
- (iv) A telecommunication tower use is a permitted or conditional use as defined by Section 25-2-839 (*Telecommunication Towers*) of the Code.
- (v) A drive-in service use as an accessory use to a restaurant use is prohibited.

**PART 6. General Provisions.** Except as otherwise provided in this ordinance, the following provisions apply to all property within the NCCD-NP.

1. Pedestrian-oriented uses. If a parking facility is located on the ground floor of a building, a pedestrian-oriented use or habitable space shall be located at the front of a building on the ground floor.
2. Front of building and lot.
  - a. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street or an east-west street may front on the numbered street or the east-west street.
  - b. A building shall front on the short side of the lot or where lots have been combined, on the side where the original short ends of the lots fronted.
  - c. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.
  - d. The area east of Duval Street is exempt from the regulations in this section.

3. Street yard setbacks. The following provisions apply to all Districts except the Duval District and the Guadalupe District.
- a. Front yard setback.
- (i) The minimum front yard setback equals the average of the front yard setbacks of the principal single family buildings on the same side of the street of a block. The maximum setback may not exceed the average setback by more than five feet. If more than one principal building is located on a property, then the setback of the building closest to the prevailing setback line shall be used in this calculation.
  - (ii) A building setback more than 35 feet shall not be used in averaging a setback.
  - (iii) The area east of Duval Street is exempt from the regulations in this section.
  - (iv) The front yard setback for multifamily residential development in the Avenue A District is established under Part 8, Section 1 of this ordinance.
- b. Street side yard setbacks. Except as otherwise provided in this section, minimum street side yard setbacks are established by City Code.
- (i) On a block face that does not include the fronts of lots, the street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots. In this section, a building across an alley is a building on an adjoining lot. The street side yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.
  - (ii) If there are no principal buildings on the same side of a street to establish an average setback, then the street yard setbacks are established by City Code.
  - (iii) Notwithstanding any other provision in this section or in Part 7, a street side yard setback may not be less than five feet in all Districts.
- c. For purposes of this section, 45 ½ Street between Avenue G and Avenue H is considered to be an alley.

- d. For purposes of this section, the 4500 blocks of Avenue G and Avenue H are each considered to be one block in length for setback averaging calculations.
- e. In the area between Rowena Street and Avenue F, between East 51<sup>st</sup> street and East 47<sup>th</sup> Street, a building may be replaced at the same front setback line as a principal structure that existed on April 1, 2005.

4. Fences.

- a. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5. A solid natural stone wall not over 36 inches tall is permitted.
- b. This subsection applies to a fence located in a street side yard that abuts the front of an adjacent property and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.
- c. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.

5. Driveway and parking access.

A driveway that provides access to four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. The Director of the Watershed Protection and Development Review Department must approve design and construction. A driveway apron shall comply with City of Austin specifications.

- 6. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
  - a. For a multifamily use, this applies to the portion of the building that abuts the street.
  - b. For a duplex use this applies to one dwelling unit.
  - c. If a lot only has frontage on an alley, the entrance of a building may face the alley.

7. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited.
8. This section applies to a multifamily use.
  - a. A maximum of one sign is permitted on a building.
  - b. The size of a sign may not exceed one foot in height and eight feet in length.
  - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.
  - d. Free-standing signs are prohibited.
9. Alley access is permitted if the access complies with applicable City regulations for maneuverability. At least 25 feet maneuverability space perpendicular to a parking area is required and may include the alley width.
10. This section applies to construction of a single family, duplex, or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the Code.
11. The following provisions apply in all Districts except the Guadalupe District.
  - a. A one-lane circular driveway is permitted on lots over 100 feet wide.
  - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has a total of 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has a total of 100 feet of frontage or more and has two dwelling units or is a through lot. For a duplex use or single-family attached use, a lot that is at least 50 feet wide may have two one-lane driveways that are a maximum of 10 feet wide if they are separated by the house.
  - c. Driveways.

- (i) A driveway located in a front yard for a residential use, may not exceed a width of 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area.
  - (ii) A driveway may not exceed a width of 18 feet on a side street.
  - (iii) The width of a driveway is not limited on an alley.
  - (iv) The width of a driveway may not exceed 25 feet for a commercial, civic, multifamily residential, or condominium residential use.
  - (v) For a residence that had a double driveway or garage at the front of a building that existed on February 1, 2005, the double driveway and garage may continue to serve the existing residence even if additional square footage is added to the residence.
- d. Parking. This section applies to a single family, duplex, or two-family residential use.
- (i) Current parking regulations are required:
    - (a) if 300 square feet or more are added to the air conditioned gross building floor area of a structure. This includes conversion of accessory space to habitable space; or,
    - (b) if the principal use changes; or
    - (c) if a full bathroom is added to a dwelling unit that has three or more bathrooms.
  - (ii) A person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size.
  - (iii) A required or excess parking space may not be located in a street yard except that 25 percent of the width of a front yard or a maximum of 20 feet, may be used for not more than two required parking spaces.

- (iv) Tandem parking is permitted for a single family, two family or duplex residential use and for a multifamily use if both spaces are assigned to the same dwelling unit.
- (v) Two parking spaces per dwelling unit are required for a single family use in the Residential District.
- (vi) For a multifamily use, at least one parking space is required for each bedroom.

**PART 7. RESIDENTIAL DISTRICT.** The following site development regulations apply in the Residential District.

1. Site Development Standard Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

<b>RESIDENTIAL DISTRICT</b>				
<b>Site development standards</b>				
	<b>SF-2</b>	<b>SF-3</b>	<b>MF-3</b>	<b>MF-4</b>
Minimum lot size (see a.)	5750	5750	8000	8000
Minimum lot width	50	50	50	50
Maximum FAR			0.5 to 1	0.5 to 1
Maximum building coverage	40%	40%	50%	50%
Maximum impervious cover	45%	45%	60%	60%
Maximum height (see b.)	30'and2.5 stories	30'and2.5 stories	30'and 2.5 stories	30'and2.5 stories
Minimum interior side yard setback	5	5	5	5
Minimum rear yard setback	10	10	10	10

- a. The minimum lot size for a single-family attached use is 11,500 square feet with a minimum of 5,750 square feet for each dwelling unit.
  - b. The maximum height for an accessory structure or secondary dwelling unit is 25 feet from ground level.
2. Except as otherwise provided in Part 6 (General Provisions), on an avenue, Duval Street, Fairfield Lane, and the east-west streets east of Duval Street:

- a. the minimum street yard setback is 25 feet; and
  - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. A two-family residential or duplex use is permitted on a lot that is 7000 square feet or larger.
5. A porch may extend:
  - a. where a setback is at least 25 feet, a maximum of eight feet in front of the street yard setback; and
  - b. where a setback is at least 15 feet, a maximum of five feet in front of a street yard setback.
6. A porch must be at least five feet from a property line that faces a street.
7. Except as otherwise provided in Section 11a in this part, for an accessory building the minimum setback from:
  - a. a front property line is 60 feet; and
  - b. a side street is 15 feet; and
  - c. an interior side property line is five feet.
8. Except as otherwise provided in this part, the minimum setback from an alley for an accessory building or the rear dwelling unit of a two-family residential use that is not more than 20 feet in height, is five feet.
9. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
10. Except as otherwise provided in Section 11a, on properties located west of Duval Street, an attached garage shall be a minimum of 60 feet from a front property line.

11. For a lot that is less than 90 feet deep:
  - a. the front setback line of an accessory building or garage must be at least 15 feet behind the front building setback line; and
  - b. a new principal structure may be constructed on the non-complying front setback line of a building that has been removed not more than one year prior to the new construction.
12. On properties located east of Duval Street, an attached or detached garage or carport with a vehicular access facing a front yard must be located on a line with the front façade of the house, or behind the front façade of a house. The width of the parking structure may not exceed 50 percent of the width of the front façade of the house.
13. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
14. Except as otherwise provided in this section, the maximum gross floor area of the second floor of a rear dwelling unit of a two-family residential use is 550 square feet. On a corner lot that is at least 8000 square feet, a rear dwelling unit may exceed 850 total square feet and 550 square feet on a second floor, if:
  - a. the ground floor of the rear unit is enclosed; and
  - b. one unit has frontage on a north-south street; and
  - c. one unit has frontage on an east-west street.

**PART 8. AVENUE A DISTRICT.** The following site development regulations apply in the Avenue A District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

# AVENUE A DISTRICT

## SITE DEVELOPMENT STANDARDS

	SF-3	MF-2	MF-3	MF-4	GR	GO
Minimum lot size	5750	8000	8000	8000	5750	5750
Minimum lot width	50	50	50	50	50	50
Maximum FAR	--	0.5	0.75	0.75	1	1
Maximum building coverage	40%	70%	70%	70%	60%	60%
Maximum impervious cover	45%	70%	70%	70%	80%	80%
Maximum height*	30	35	35	40	40	35/40
Min. interior side yard setback	5	5	5	5	5	5
Minimum rear yard setback	10	10	10	10	10	10
Minimum front yard setback	--	10	10	10	--	--
Maximum front yard setback	--	20	20	20	--	--
*Property on the east side of Avenue A - height limit 30' and 2.5 stories in rear 50' - otherwise 35'.						
*Property on the west side of Avenue A - height limit 40'.						

2. Except as otherwise provided in this part, on Avenue A:
  - a. the minimum street yard setback is 15 feet; and
  - b. the maximum street yard setback is 20 feet.
3. This section applies to West 45<sup>th</sup> Street and West 46<sup>th</sup> Street. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. A two-family residential use or duplex use is permitted on a lot that is 6000 square feet or larger.

5. Except as provided in Section 6 of this part, a porch may extend:
  - a. on Avenue A, a maximum of five feet in front of the street front yard setback; and
  - b. on a street other than Avenue A, a maximum of five feet in front of a street yard setback.
6. A porch must be at least five feet from a property line that faces a street.
7. For an accessory building the minimum setback from:
  - a. a property line facing Avenue A is 60 feet; and
  - b. a property line facing a street other than Avenue A is 15 feet; and
  - c. an interior side property line is five feet.
8. On the east side of Avenue A the minimum setback from a rear property line for an accessory building for a single-family use that is not more than 20 feet in height, is five feet.
9. A non-complying accessory building may be reconstructed at its existing location for a single-family use, but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
10. An attached garage shall be a minimum of 60 feet from a property line facing Avenue A.
11. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
12. Driveway runners or gravel driveways are permitted to provide access for a maximum of four parking spaces. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.
13. For a through lot with frontage on both Guadalupe Street and Avenue A, both frontages shall be treated as front streets.

**PART 9. DUVAL COMMERCIAL DISTRICT.** The following site development regulations apply in the Duval District.

1. Site Development Standard Table. Except as otherwise modified in this part, the following site development regulations apply in the Duval Commercial District.

DUVAL COMMERCIAL DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	CS	GR
Minimum lot size	8000	8000
Minimum lot width	50	50
Maximum FAR	1.5: 1.0	1.0: 1.0
Maximum building coverage	95%	75%
Maximum impervious cover	95%	90%
Maximum height	35'	40'
Minimum interior side yard setback	0	0
Minimum rear setback	10	10

2. Height limits.
  - a. The maximum height for a structure within 50 feet of a single family use or zoning district is 30 feet from ground level.
  - b. The maximum height for a structure within 50 feet of a single family use or zoning district is 2.5 stories.
  - c. The maximum height for a structure within 125 feet of a single family use or zoning district is 35 feet from ground level
3. Except as otherwise provided in this part, the following applies.
  - a. the minimum street yard setback is five feet; and
  - b. the maximum street yard setback is 10 feet.
4. The minimum street side yard setback for 4500, 5011 and 5012 Duval Street is 10 feet.

5. The minimum setback from a rear property line for an accessory building that is not more than 20 feet in height, is five feet.
6. An attached or detached garage that has vehicular access on an alley or street must be set back at least 20 feet from the alley or street.
7. A non-complying accessory building may be reconstructed at its existing location but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
8. Except as otherwise provided in this part, the FAR for 4500 Duval Street is 1.5 to 1.0.
9. Except as otherwise provided in this section, the maximum height for a building at 4500 Duval Street is 35 feet from ground level. For a building located within 50 feet of the west property line, the maximum height is 30 feet from ground level.

**PART 10. GUADALUPE DISTRICT.** The following provisions apply in the Guadalupe District.

1. Site Development Standards Table. Except as otherwise provides in this part, the following site development regulations apply in the Guadalupe District.

GUADALUPE DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	GO	GR
Minimum lot size	5750	5750
Minimum lot width	50	50
Maximum FAR	1.0: 1.0	1.0: 1.0
Maximum building coverage	60%	75%
Maximum impervious cover	80%	90%
Minimum interior side yard setback	0	0
Minimum rear yard setback	5	5

2. On Guadalupe Street:
  - a. the minimum street yard setback is 0 feet; and
  - b. the maximum street yard setback is 10 feet.
3. On a street other than Guadalupe Street:
  - a. the minimum street yard setback is 10 feet; and
  - b. the maximum street yard setback is 15 feet.
4. Except as otherwise provided in Section 5, the maximum height for property north of 45<sup>th</sup> Street is 45 feet from ground level.
5. A building with a flat roof may have a height of 50 feet. A maximum of an additional 10 percent of the building height is allowed for a parapet, elevator shaft or open space provided that:
  - a. a living space is not permitted above the 50 foot height; and
  - b. the building height does not exceed 4 stories; and
  - c. a roof-top use is permitted only for equipment that is screened.
6. A parapet wall allowed in Section 5 may exceed the height established in this part by 10 percent.
7. A sidewalk sign is permitted for a commercial use. Section 25-10-153 (*Sidewalk Sign in Downtown Sign District*) applies to a sidewalk sign. A projecting sign is permitted. Section 25-10-129 (*Downtown Sign District Regulations*) applies to a projecting sign.
8. Parking for a restaurant use with outdoor seating.
  - a. The outdoor seating area is not used to determine the parking requirement if:
    - (i) The outdoor seating does not exceed 40 percent of the total seating; and

(ii) Not more than 10 tables are located outside.

- b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.

**PART 11. AFFORDABLE HOUSING.** Housing developed under the Smart Housing Initiative Policy must comply with the standards set forth in Resolution No. 040115-44 and the provisions in this part.

**S.M.A.R.T.HOUSING™ PROGRAM** (Safe, Mixed-Income, Accessible, Reasonably Priced, Transit Oriented) is an initiative that stimulates the creation of reasonably priced homes in Austin. It offers developers incentives by way of a single point of contact to advocate through the city development process and provides fee waivers for developments in which at least 10 percent of the units meet the "reasonably priced" standard, by serving families at or below 80 percent of the Austin Area Median Family Income. The policy also requires that all new construction meet Green Builder Standards.

**REASONABLY PRICED** means housing available to a family whose earnings do not exceed 80 percent of median family income and who spend not more than 30 percent of their gross income on rent and utilities.

**GREEN BUILDING PROGRAM** means the Austin Energy program designed to encourage sustainable building techniques in residential, multifamily, commercial and municipal construction.

1. Redevelopment of Rental properties. This applies to 4510, 4520, and 5012 Duval Street.
  - a. A multifamily development not located in the 100-year floodplain may be rebuilt at its existing height in stories, number of units, and building footprint, provided that they meet S.M.A.R.T. Housing™ technical standards for accessibility, Green Building, and Transit-oriented design; and, meet the sprinkler requirements of the 2003 International Building Code; and, if at least 10 percent of the units are reasonably priced.
  - b. Applicants who meet these conditions are not required to meet compatibility standards or increase parking or site detention.
  - c. Except as otherwise provided in this section, development must comply with the provisions of the NCCD.

- (i) Height may be the greater of the existing height or the height permitted in the NCCD.
- (ii) A balcony, entrance to a building, patio, open walkway or stairway is not permitted within 20 feet of a single-family use.
- (iii) A trash receptacle must be located permanently in an alley at the rear of a property. If no alley is available, it must be in an enclosure on the property.
- (iv) A six-foot fence is required between a parking facility and a single family residence.

2. Home Ownership. This applies to redevelopment of an existing duplex to single-family attached.

a. To be qualified under this section, an existing duplex must meet the following requirements:

- (i) it may not be located on a lot in the 100-year floodplain, and
- (ii) it may not be located on a lot that is less than 7000 square feet; and
- (iii) it must not have a plat or deed restriction limiting density to one residential unit per lot; and
- (iv) it must have existed as a duplex on January 1, 1987; and
- (v) at least one of the units must be sold to an owner who meets the reasonably priced test; and

b. All development of the property must comply with applicable City Codes, including the following:

- (i) plumbing and wiring for each unit must be located on its respective lot; and
- (ii) a one-hour fire resistant construction must be provided at the lot line with no door or window openings within three feet of the lot line; and
- (iii) no Housing Code violations are allowed; and

(iv) the square footage of a unit may be increased not more than 20 percent of the square footage of a unit that existed on April 1, 2005; and

(v) a unit may not exceed 1200 square feet; and

(vi) all development regulations apply in perpetuity.

3. The affordable housing program will apply for 15 years from the date of the initial occupancy of a reasonably priced dwelling unit.

**PART 12.** This ordinance takes effect on August 29, 2005.

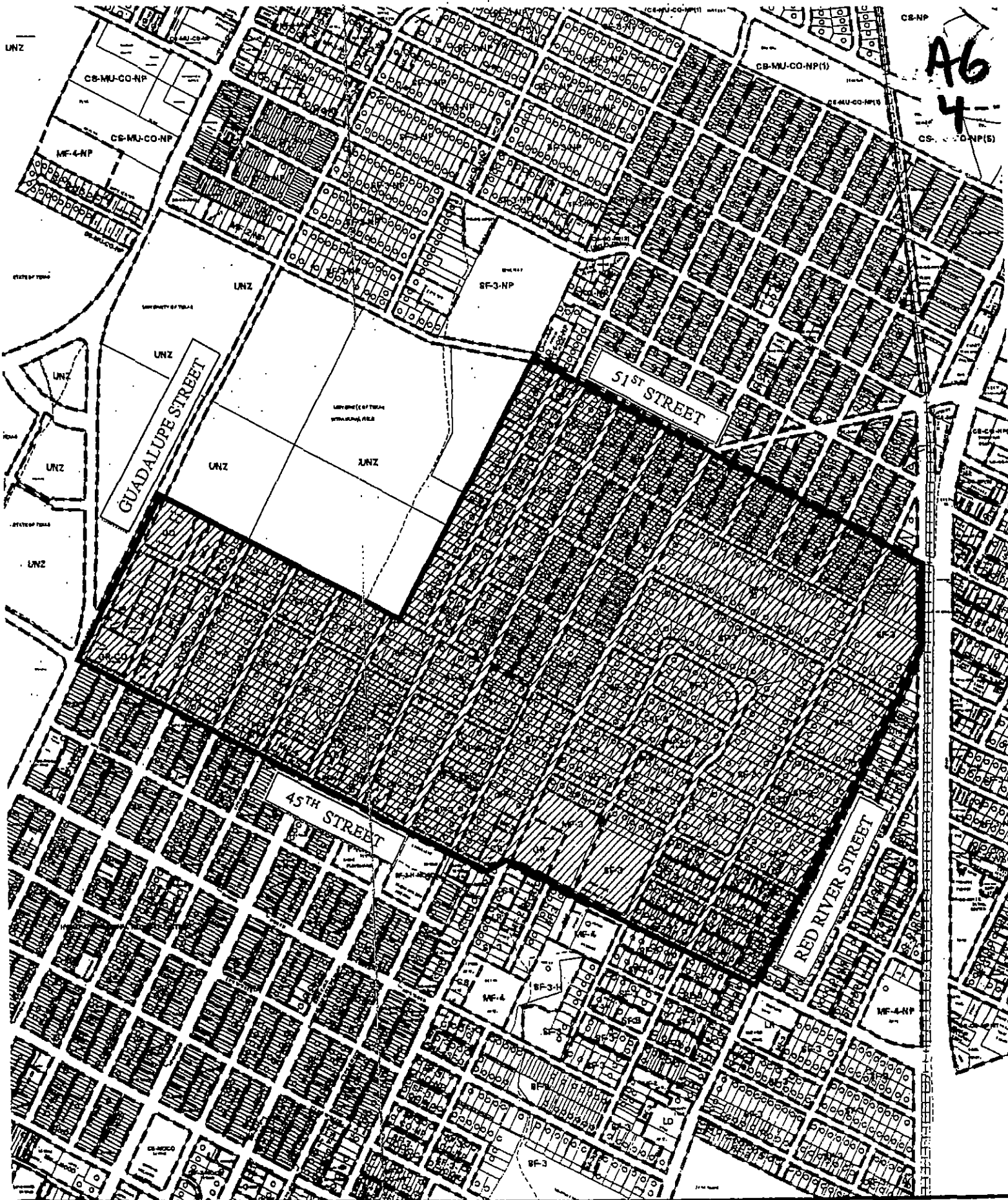
**PASSED AND APPROVED**

\_\_\_\_\_, August 18, 2005      §  
§  
§ \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith      Shirley A. Brown  
City Attorney      City Clerk



A6  
4



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR: G. RHOADES

CASE #: C14-04-0196  
ADDRESS: HYDE PARK NCCD  
SUBJECT AREA (acres): N/A

### ZONING EXHIBIT B

DATE: 05-02  
INTLS: SIM

CITY GRID  
REFERENCE  
NUMBER  
K26

# North Hyde Park NCCD

EXISTING

- 1) Residential District
- 2) Avenue A District
- 3) Duval Commercial District
- 4) Guadalupe District

## Existing Land Use

LU2003

- Single Family
- Two Family
- 3/4 Plex
- Apartments
- Commercial
- Office
- Education
- Meeting & Assembly
- Parks & Open Space
- Streets & ROW
- Vacant

